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10 Attorneys for Plaintiff

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 NELSON ORELLANA,

17 Defendant.
18

CR No.: 09-00096-LHK

STIPULATION #4-
TRANSCRIPTS AND TRANSLATIONS

19 The United States of America, by and through Melinda Haag, United States Attorney for
20 the Northern District of California, Grant P. Fondo and Jeffrey D. Nedrow, Assistant United
21 States Attorneys, and Nelson Orellana, by and through his attorney Phil Vaughns, hereby agree
22 and stipulate to the following:

23 That as to the recordings and transcripts identified in the government's Exhibit List
24 (Exhibits 43-78), the following stipulations and agreements apply:

25 1. Audio Recorded Conversations Fairly and Accurately Represent the Conversations

26 That the audio recorded conversations in Exhibits 43-78 were legally obtained recordings.
27 That the audio recorded conversations in Exhibits 43-78 fairly and accurately represent the
28 conversations that occurred and may be received in evidence, without further foundation or

1 authentication, subject to the possible objections described in paragraph 7 below.

2 2. Digital Copy Identical to Original Recording

3 That digital copies of the audio recorded conversations in Exhibits 43-78 are true and
4 accurate copies of the original recordings and may be received in evidence without further
5 foundation or authentication, subject to the possible objections described in paragraph 7 below.

6 3. Accuracy of the English Language Transcripts

7 That, as to the transcripts of the audio recorded conversations in Exhibits 43-78, the
8 transcripts of the English language recordings accurately reflect the content of the recordings and
9 may be used as an aid to the jury, subject to the possible objections described in paragraph 7
10 below.

11 4. Accuracy of the Spanish Language Transcripts

12 That, as to the conversations identified in Exhibits 43-78, where the original audio
13 recordings of the conversations were in Spanish, the English translations accurately reflect the
14 translation from Spanish to English. It is further stipulated that the English translations
15 contained on the transcripts and the recordings themselves, may be received in evidence without
16 further foundation or authentication, subject to the possible objections described in paragraph 7
17 below.

18 5. Date, Time and Caller

19 That the transcripts in Exhibits 43-78 accurately reflect the dates and times of the
20 conversations. Where a person was called, the transcript accurately reflects the person who was
21 called. Where an incoming call was received, the transcript accurately reflects from whom the
22 call was received.

23 6. Voice Identifications are Accurate

24 That the voices of the parties speaking have been correctly identified in the transcripts of
25 these recordings in Exhibits 43-78.

26 7. Objections to Admissibility

27 That the recordings and transcripts in Exhibits 43-78 are admissible at trial without
28 further foundation or authentication and specifically without calling any of the participants to the

1 conversations, any persons in the chain of custody of these materials, any persons involved in
2 the operation of the recording equipment, and any translators of these conversations. The
3 defendant reserves the right to object to particular recordings and transcripts or portions of
4 recordings and transcripts based on possible objections not involving authentication, foundation,
5 voice identification, best evidence or hearsay, such as relevance.

6 8. Use of Stipulation

7 The defendant agrees that this stipulation may be read to the jury.

8 DATED:

Respectfully Submitted,

9
10 MELINDA HAAG
United States Attorney

11 /s

/s

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13 PHIL VAUGHNS
Attorney for Nelson Orellana

14 GRANT P. FONDO
JEFFREY D. NEDROW
Assistant United States Attorneys

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17 IT IS SO ORDERED:

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20 HON. LUCY H. KOH
United States District Judge
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